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# MEMORANDUM

**TO:** Mayor Jerry L. Demings  
AND  
County Commissioners

**FROM:** Jeffrey J. Newton, County Attorney *JAN*  
Roberta Alfonso, Assistant County Attorney *(RA)*  
**Contact: (407) 836-7320**

**DATE:** August 29, 2022

**RE:** **Consent Agenda Item for the Board Meeting on September 13, 2022**  
*Proposed revisions, Administrative Regulation 4.01 titled "Impact Fees"*

Attached for your review is a proposed revised Administrative Regulation.

**I. EXPLANATION & SUMMARY OF PROPOSED REGULATION:**

The attached regulation was reviewed in depth and revisions were made to ensure that the regulation is consistent with current practices and procedures.

It is our intent to place the proposal on the September 13, 2022, Consent Agenda for approval by the Board of County Commissioners. Please advise of any questions, comments, or modifications you may wish to make prior to that meeting.


**II. ACTION REQUESTED:**

Approval of proposed revisions to Administrative Regulation 4.01, titled  
"Impact Fees"

AMC  
Attachment

c: Byron W. Brooks, County Administrator  
Joel D. Prinsell, Deputy County Attorney

# Proposed Revisions 08/03/22

 <b>ORANGE COUNTY ADMINISTRATIVE REGULATIONS</b>	No.: 4.01
	Date: 02/23/10
	Approved By: BCC Revised: 04/21/15
Title: <b>IMPACT FEES</b>	Page 1 of 4

## I. POLICY:

Chapter 23 of the Orange County Code, entitled "Impact Fees," provides definitions and establishes procedures regarding impact fees for Law Enforcement, Fire/Rescue Services, Transportation, Schools, and Parks and Recreation. Provisions are included for the collection, allocation, adjustment, credits, exemptions, discounts, and refunds of impact fees. As a mechanism and forum to address the various issues related to impact fees, Orange County hereby establishes an Impact Fee Committee ("IFC").

## II. PROCEDURES:

A. The IFC voting members ~~membership~~ shall consist of the following persons or their designees:

1. The Public Works Director, who will serve as Chairperson to be appointed by the County Administrator or a designee;
2. Manager of the Traffic Engineering Division;
3. Manager of the Planning Division;
4. Manager of the Transportation Planning Division;
5. Manager of the Fiscal and Operational Support Division of the Planning Community, Environmental, and Development Services Department.

Every voting member, including the chairperson, shall name an alternate from that member's department or division. The alternate for the chairperson shall be selected from any department or division that has a voting member on the IFC. Alternates shall attend and vote in the event of their respective member's absence.

An attorney from the County Attorney's Office shall act as legal counsel to the IFC, ~~shall~~ attend the IFC meetings, and ~~shall~~ assist the IFC in the performance of its responsibilities. When addressing matters relating to non-transportation impact fees, a representative from the corresponding county entity shall be invited to attend and participate.



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The IFC shall meet on an agreed-upon day twice every month, unless no matters are to be heard, and may also meet on an as-needed basis at the discretion of its Chairperson. The IFC shall annually elect from within its voting membership a vice-chairperson ~~to serve as the chair in the absence of the chairperson~~. In the absence of both the Chairperson and the ~~Vice Chairperson's~~ alternate, if a quorum is present, the vice-chairperson coordinator shall call for election of a presiding officer. ~~The presiding officer~~ shall preside over ~~the~~that meeting or until the Chairperson or ~~Vice Chairperson's~~ designee arrives. The vice-chairperson presiding officer shall relinquish the chair upon the arrival of either the Chairperson or the Vice Chairperson's designee upon conclusion of the business immediately before the committee.

While meetings of the IFC are not public hearings, actions of the IFC are subject to Florida's "Government in the Sunshine" law (Section 286.11, Florida Statutes, as may be amended).

B. The responsibilities of the IFC are as follows:

1. Advise Orange County generally regarding impact fee issues.
2. Review, and approve or deny, alternative impact fee methodologies and studies.
3. Review agreements relating to alternative impact fee studies, and recommend approval or denial by the Board of County Commissioners ("BCC").
4. Maintain a single, comprehensive database for all alternative studies submitted, approved, and/or denied in Orange County.
5. Conduct alternative study audits.
6. Complete a staff report for each alternative impact fee study prior to its submittal to the BCC. At a minimum, the staff report must summarize report findings; identify any fiscal implications; and compare any proposed impact fees to current county standards.
7. Hear appeals of staff determinations regarding impact fee exemptions, refunds, or discounts.
8. Oversee all other issues related to maintaining an appropriate system of monitoring and compliance for all aspects of alternative impact fees.
9. Hear appeals from denials of "good faith" refunds pursuant to Sec. 23-95(h), Orange County Code.
10. Issue annual reports that summarize all of the IFC's activities. The annual reports will be submitted to the Board of County Commissioners.
11. Address other impact fee issues, as appropriate.



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- C. For items requiring approval by the Board of County Commissioners (“BCC”), following approval by the IFC, an applicant shall request placement on a BCC consent agenda. Upon confirmation that applicant has previously paid the non-refundable processing fee, pursuant to the established fee schedule as adopted and amended from time to time by the BCC for such items, and any other applicable fees, such as monitoring fees, the Public Works Department will schedule the matter with the Clerk of the BCC, and the applicant will be given written notice of the time and place for BCC consideration.
- D. ~~If the applicant~~An aggrieved party who disagrees with the IFC’s decision~~written opinion, then within fourteen (14) days of such decision~~the applicant may submit a written appeal to the ~~Chairperson~~Chairperson of the Development Review Committee (“DRC”), upon payment of a non-refundable processing fee pursuant to the established fee schedule as adopted and amended from time to time by the BCC for such appeals. Any such appeal must be filed within fifteen (15) days after IFC approval of the meeting minutes memorializing its decision, unless a longer period is provided by Orange County Code. The DRC may grant the appeal, deny the appeal, or request additional information to make its determination. Decisions of the DRC may be appealed to the BCC upon payment of a non-refundable processing fee pursuant to the established fee schedule as adopted and amended from time to time by the BCC for such appeals. The processing fees must be made payable to the “Orange County Board of County Commissioners.” A receipt for the applicable processing fee must accompany all appeals to the DRC and requests for public hearings before the BCC. Failure to timely file an appeal to the DRC or the BCC shall be deemed to waive any right to appeal.

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**FOR MORE INFORMATION CONTACT:**

Planning, Environmental, and  
Development Services Department,  
Transportation Planning Division;  
Public Works Department, Traffic  
Engineering Division;  
Planning Community,  
Environmental, and Development  
Services Department, Fiscal and  
Operational Support Division



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**REFERENCE:**

Chapter 23, ~~Article IV~~, Orange  
County Code  
Orange County Fee Directory  
Section 3